

## THIRTY-SECOND DAY.

Senate Chamber,  
Austin, Texas, Thursday, March 5, 1903.

Senate met pursuant to adjournment.  
Lieutenant-Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Hale.

## ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLamar.  
R. M. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
Miss Lucy Lane.  
C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Fant Odom.  
J. C. Son.  
Miss Georgia Sturgiss.  
Mrs. Hattie Yarbrough.  
Mrs. Hope H. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucien Goss.  
J. A. Chaffe.  
Herbert Davenport.  
Charlie Lane.  
Willie Gibson.  
Henry Paulus.  
Evetts Thornhill.  
Walter Savage.  
James Sebastian.

Willie Gray.  
Jamie Snipes.  
Ed Underhill.  
Will Bartley.  
Reed Pierson.  
Dan Edwards.  
Josh Pyles.  
Ellis Monroe.  
Albert Hill.  
Mark Marsh.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Patteson, the same was dispensed with.

## PETITIONS AND MEMORIALS.

Senator Hanger offered the following petition:

U. S. DEPARTMENT OF AGRICULTURE,  
BUREAU OF ANIMAL INDUSTRY.

Washington, D. C., February 25, 1903.

*Mr. S. Webb, President Albany National Bank, Albany, Texas.*

DEAR SIR: I regret that owing to absence from the office, I have been unable to answer your letter of the 17th instant at an earlier date.

I note with regret your statement that there is decided opposition to the quarantine line in Texas, and that the State Senator from your district has come out flatly in opposition to the line, claiming that it is a snare and a fraud, and that the tick theory is a humbug of the worst kind. It is even more regrettable that his views are shared by many of your people and advocated by the public press.

The question as to what is best for the State of Texas to do in the circumstances is one which is of course open to discussion by our citizens, and must be decided by them. But the questions of fact are established, and no amount of denunciation can change them. That Texas fever is spread by the ticks is just as certain as is any other fact of science. It has been demonstrated by exhaustive investigations made by disinterested parties, and these experiments can be easily repeated with positive results at any time. The tick theory is therefore not a guess, nor a supposition, nor a hypothesis, but it is a scientific expression of the facts which have been brought out by the research of various investigators.

With reference to your further statement that it is believed by many that the line is simply in the interest of the large pasture man, to enable them to sell their cattle at a higher price, and that other cattle are kept out simply to prevent competition, I would say that while

the line may possibly operate in this way to a certain extent, I know that that was not the purpose of establishing the line, because it was by my advice that the line was established, and I had no interest directly or indirectly in any class of cattle in Texas or in favoring any class to the detriment of others. Texas cattlemen who have good memories will not fail to recollect that at the time it became difficult and almost impossible to move Texas cattle north by trail on account of the disease which they caused, I studied out the present plan of shipping them to market for slaughter at all seasons of the year without uncertainty or delays, and have worked steadfastly to keep open the markets of the Northwest for feeders from Texas at such times of the year as they could be safely moved there.

The quarantine line in Texas was first established by an investigation to determine from what counties of the State cattle came which would carry disease to other sections. The line established by this class of evidence did not differ materially from that afterwards established with reference to the counties infested with the Texas fever tick. Consequently, it makes little difference, from a practical point of view, whether the line is established from evidence as to the existence of ticks or from other evidence as to the existence of cattle which convey disease. The line would be in the same position in either case, and if the tick theory were abandoned entirely, the facts which are on record as to the communication of disease would still require a quarantine line to be maintained.

You say it is asked why it is, if the theory is correct that the ticks produce the disease, that cattle which are entirely free from ticks are not admitted any time in the year. This question is easily answered. If it could be certainly ascertained that cattle were entirely free of ticks, they might go above the line at any time of year. But unfortunately, it is impossible to ascertain this fact safely by any ordinary inspection. Cattle from below the line may have ticks on them so small that no inspector could find them, and yet after the cattle crossed the quarantine line the ticks might develop and cause disease. This has frequently occurred, and the recent instance of a large number of the most valuable purebred animals in the country taking Texas fever at the Charleston Exposition, where every precaution as to inspection and veterinary attendance was adopted, shows how impossible it is to guard against the disease by inspection.

We have worked for years endeavoring to find a liquid in which cattle might

be dipped that would kill all the ticks. Unfortunately, we have never found such a liquid. But if we had found it, we intended making a regulation that all cattle so dipped might be taken at once above the quarantine line. This effort to find a method of safely ridding the cattle of ticks shows our good faith in the matter and our efforts to relieve your cattlemen of all unnecessary restrictions.

I have said this much to show you that those who claim the tick theory is a humbug, and that the quarantine line was established to favor certain classes of cattle growers, are mistaken in their opinions. But with the facts which I have stated admitted, it still remains for your people to decide what course is best for them to adopt for their own interests. As one who has labored for many years to aid Texas cattle growers in marketing their stock, I may be permitted, perhaps, to express my views upon this point. I do not think any one can successfully contest the fact that Texas cattle have been going to market without any great restrictions and that the cattle business in Texas was never more prosperous than it has been during the last few years. The last time I was in Texas, I attended a cattle convention at Fort Worth, and I heard one of your cattle raisers telling another that cattle were really too high, that they were bringing more than they were actually worth. Under such conditions it seems to me the part of wisdom to be deliberate and careful in making changes which are liable to affect the cattle industry of the whole State.

Unquestionably, the cattle above the present quarantine line are susceptible to Texas fever, and the cattle below the line are capable of carrying the disease, and if there is no quarantine line they will carry the disease and cause immense losses in the western part of the State. The withdrawal of the State quarantine line would make it necessary for the Federal quarantine line to be established on the State boundary. This would be a reflection upon the whole of Texas, and the loss of cattle which would undoubtedly occur would have a great tendency to raise suspicion again concerning Texas cattle; would damage the markets for your cattle in the Northern States, and would probably lead to the rejection of Texas cattle by other countries. You are probably aware that there has been for some time an effort to export Texas cattle directly from our ports to Great Britain. A number of shipments have been made, and capitalists are still interested in establishing lines of steamers for this purpose. Now let Texas fever

break out over large sections above the present quarantine line, and you will find an amount of suspicion and alarm will develop with reference to Texas cattle, which is likely to close the markets of the world to them.

Are you likely to reap any advantages from doing away with the quarantine line, which would counteract these disadvantages and this direct loss? There certainly can not be a very large proportion of your citizens who are interested in moving cattle from below the quarantine line to the section above it. I have seen it stated that there were more or less homeseekers who wished to take their cattle with them from Eastern Texas to Western Texas. It appears to me that this class can not be sufficiently numerous to make it worth while to jeopardize the leading industry of your State in order that they may take a few infectious cattle into a section where they would spread disease. Would it not be far better for them to sell their cattle when they leave their old homes and buy uninfected cattle in the section where they located?

As to the period of sixty days being too short to market feeding cattle, it appears to me that it ought to be sufficient. But suppose the quarantine line is removed, and the infectious and uninfected cattle indiscriminately mix in the section west of the line, are you not going to lose a large market for feeders, which you now have outside of the State? And will not this counteract any benefits you may obtain by being able to send cattle to Western Texas at all seasons of the year? Besides, if you do send infectious cattle at other times, you will destroy the susceptible cattle now held west of the line and probably damage the cattle raisers there to such an extent that they will be unable to buy your cattle even if they desire to.

It occurs to me, therefore, that while there is undoubtedly some inconvenience and hardship from present quarantine restrictions, as there must always be in the enforcement of any laws, it is far better for the people of your section of the State to submit to this inconvenience than to enter upon a course of denunciation of the established facts relating to Texas fever, of forcing the withdrawal of all efforts by your State to protect the purchasers of Texas cattle from danger, and of practically saying to the people upon whom you depend for a market, that your cattle are all infected and that those who buy them must protect themselves from danger, as Texas will no longer enforce measures to guard against the spread of contagion by the cattle which she produces. Such a position

might be judged harshly by those who have been in the habit of spending their money to buy our live stock and who may think that they should have such protection as the quarantine lines affords.

The Federal government finds it necessary, in order to keep open the markets of the world for our live stock, that it shall be inspected before it leaves our territory and its healthfulness guaranteed. If it is necessary for the government of the whole country to do this, is it not reasonable to suppose that it may also be to the advantage of the State of Texas to do something of the same kind?

I hope you will excuse me for speaking frankly in regard to this matter, as, if I say anything on a subject, I wish to say exactly what I think.

There was a time when the people of Eastern Texas did not believe that there was any such disease as Texas fever. However, when the facts were presented to them they were accepted, and the quarantine regulations were finally established. This cheerful acceptance of the existing conditions and this effort to give protection to outside interests did much to allay the panicky feeling which existed regarding Texas cattle, and seemed to show that your people were liberal in their views and determined to do all that could be reasonably asked of them. It appears to me that the present agitation must arise from a misunderstanding of the facts, because it is so foreign to the policy which has been heretofore followed. I hope your people will not be induced to do anything hurriedly which might react and damage the cattle industry.

Very truly yours,  
(Signed) D. E. SALMON,  
Chief of Bureau.

Senator Decker offered the following petition:

*To the Hon. Senate and House of Representatives of the Twenty-eighth Legislature.*

We, the citizens of Hemphill county, respectfully represent to your honorable body that many of the citizens of our county have purchased in good faith, lands originally granted to railroad companies, and have placed valuable improvements thereon, paying taxes, etc.

In view of the fact that the continued disturbance of the titles to these lands, by the claim on the part of some people, and the officers of the State, that lands granted to certain railroads were not alienated within the claim claimed, and which is denied, and in view of such contention, the Commissioner of the

General Land Office will not issue patent to many purchasers who have acquired such title, and made many valuable improvements on the land.

And whereas, The right of the State to forfeit such lands is doubtful, and if such right existed, the State's right would be confined to an enforced alienation, as provided in Section 10 of the Act of January 30, 1854, which provides that in case of failure to alienate, etc., etc., the Comptroller shall sell the land and deposit the proceeds of the sale to the credit of the company.

Such proceeding would not benefit the State and work a great hardship on the people of our county.

And whereas, Said contention clouds the titles to our lands, retards their sale and settlement and prevents the development of our county, we therefore petition your honorable body to pass appropriate laws quieting our titles.

T. S. Jones.  
T. P. Young.  
B. B. Ballanford.  
Wm. S. Martin.  
George Gerlach.  
Pearl Boyd.  
W. S. Defilaugh.  
J. L. Welch.  
Jno. Humphry.  
A. B. Wilkins.  
C. C. Seidle.  
J. A. Youngberg.  
J. L. Potts.  
C. W. McQuady.  
Stock Ex. Bank.  
Johnson Mdse. Co.  
E. P. Hirtzel.  
R. A. Hallenbech.  
R. K. Rhen.  
G. C. Akins.  
John Wood.  
J. Kite.  
E. W. Jones.  
M. M. French.  
A. M. Newman.  
W. C. Isaacs.  
Sam Isaacs.  
W. D. Fisher.  
C. H. Shaller.  
H. C. Dolcatre.  
F. H. Yakley.  
W. P. Bryan.  
A. P. Buckner.  
H. T. Connor.  
Charles Daniels.  
Ed Murlaugh.  
James W. Nolan.  
B. Beckham.  
J. S. Dodson.  
C. A. Lamb.  
J. W. Cranker.  
J. S. McCarmick.  
Wm. H. Peet.  
Albert Eaton.

Wallace Eaton.  
Frank Burgett.  
Lewis N. Smith.  
B. F. Oaby.  
W. N. Peet.  
Jacob Seier.  
J. E. Montgomery.  
J. E. Carson.  
W. R. Boyd.  
Clint Pierson.  
Eugene Thrash.  
H. A. Dinsmore.  
T. M. Berry.  
J. M. White.  
B. McKoy.  
T. M. Lawrence.  
W. J. Ross.  
A. L. Montgomery.  
B. F. Tepe.  
Frank Veldon.  
L. M. Lowe.  
J. L. Jennings.  
John B. Vannoy.  
T. B. Sargent.  
W. D. Rathjen.  
W. T. Gardner.  
Chas. H. Teague.  
Joe Flurry.  
R M. Hibbard.  
T. F. Moody.  
C. W. Hamilton.  
H. F. Kuehn.  
W. H. Nolen.  
J. H. Sowder.  
Frank Willis.  
J. C. Crab.  
C. B. Case.  
G. M. Washburn.  
Ed Markley.  
A. J. Hopkins.  
B. F. Sowder.  
L. A. McAdams.  
H. L. Rowe.  
P. H. Waddle.  
William Groom.

Senator Hill offered the following petition:

El Paso, Texas, February 24, 1903.

*The Hon. J. W. Hill, Austin, Texas.*

SIR: The undersigned officers and members of Co. B, 4th Infantry, T. V. G., most humbly beg your support and assistance to secure the passage of the enclosed copy of a bill in favor of the Texas Volunteer Guard, also the bill entitled "An Act making it a misdemeanor to injure or destroy military arms, clothing, etc, or to sell or to dispose of same or to use or to wear any uniform or military property without proper authority, etc.

H. F. Brown, captain commanding  
Co. B. 4th infantry, Texas  
Volunteer Guards.

F. W. Kiefer, first lieutenant.

U. H. Roberson, second lieutenant.  
 Ernest E. Winter, first sergeant.  
 John F. Goebel, quartermaster sergeant.  
 Floyd Denitt, sergeant.  
 C. Curtis.  
 L. Lowe.  
 R. G. Middleton.  
 J. P. Taylor.  
 Wm. Herold.  
 Edward A. Blythe.  
 W. B. Shirley.  
 Ike Wolf.  
 Ira Cummings.  
 Benton Thurmond.  
 Tom White.  
 Paul Keating.  
 J. L. Garson.  
 J. Barratt.  
 Leo Herold, Jr.  
 John Klein.  
 H. C. Crawford.  
 Fred B. Merrill.

Senator Grinnan offered the following petition:

*To the Hon. Arch Grinnan, Senator Twenty-sixth Senatorial District, Austin, Texas.*

SIR: To the end that Texas may be properly represented at the World's Fair Exposition, to be held in the city of St. Louis, in 1904, we, the citizens of Santa Anna, Coleman county, respectfully request your hearty co-operation and support of the bill now before the Senate appropriating for that purpose the sum of \$200,000:

W. R. Kelley & Co., merchants.  
 V. L. Grady, cashier, W. R. Kelley & Co.  
 M. Tyson, merchant and banker.  
 John E. Hall, cashier Citizens' Bank.  
 G. W. Faulkne, bookkeeper for M. Tyson.  
 L. L. Shield, banker.  
 W. B. Mitchell, cashier L. L. Shield bank.  
 Miles Wofford, merchant.  
 W. A. Forman, merchant.  
 J. Ben Briggs, photographer.  
 Allen G. Poe, assistant postmaster.  
 J. W. Babb, J. W. Babb & Co.  
 C. K. Hunter, druggist.  
 Newt. Long, physician.  
 L. W. Hunter, grocer and butcher.  
 Jason Tyson, Jr., physician.  
 A. P. Slater, confectionery.  
 J. Lin Phillips, druggist.  
 H. W. Kingsbery, farmer.  
 J. W. Kirkpatrick, farmer.  
 J. W. Richardson, farmer.  
 J. W. Gordon, carpenter.  
 J. E. Gardner, teacher.  
 J. W. Williams, farmer.

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R. H. Laird, salesman, W. R. Kelley & Co.  
 L. V. Stockhard, real estate agent.  
 J. D. Simpson, ginner.  
 R. Henderson, farmer.  
 L. D. Boyd, farmer.  
 M. J. McDonald, superintendent Santa Anna public schools.  
 S. H. Phillips, druggist.  
 S. M. Russell, farmer.  
 R. C. Gay, lumber clerk.  
 H. A. Morse, manager M. T. Jones lumber yard.  
 J. H. Green.

*Mr. Grinnan.*

I am satished that ninety-nine out of every 100 persons in this county would sign above petition, if I had opportunity of presenting it to them.

H. A. MORSE.

Senator Willacy offered the folowing petition:

*To the Hon. Senate and House of Representatives of the Twenty-eighth Legislature of the State of Texas.*

The undersigned bona fide citizens and tax payers of the county of Webb, Texas, represent:

1st. That there has prevailed in said county of Webb for the two years last past the most severe and protracted drought ever experienced in said portion of the State.

2nd. That during said period rainfall has not been sufficient to produce and field crops for grazing purposes.

3rd. That since January 1st of the present year range stock of all kinds have been compelled to subsist on prickley pear and brush, the result, which as estimated by our stock raisers, has caused the death by starvation of from forty to fifty per cent of all the range horses, cattle and sheep in said county.

4th. That as another result of said unprecedented drought, hundreds of our people, who have heretofore subsisted to a great extent on corn, beans, pumpkins and squashes raised by themselves in small patches and fields along our creeks and the bank of the Rio Grande, have been unable to raise any crops whatever, and have, to a very large extent, had to depend for the actual necessities of life upon the charity of the tax payers of said county, and these tax payers, notwithstanding their great losses, above mentioned, have supported many hundreds of such poor people for the last two years, and in addition to such support of the poor people of our own county, have given freely to the suffering poor of our sister county of Zapata, and they are still continuing to

furnish such support without hope of future compensation.

5th. That even if copious rains shall fall in the near future, the season is now so far advanced that neither field crops nor range grass can be matured before the advent of the winter frosts, the consequences of which will be, that their losses of stock by starvation and the burden of supporting our poor people will continue at least until the summer of 1903, if not longer.

Wherefore, in view of this great calamity which has befallen us and our co-citizens, we most respectfully request that you enact such a law as will relieve and exempt the citizens of Webb county from the payment of any State tax for the years 1902 and 1903.

All of which is most respectfully submitted.

A. L. McLane, district judge  
Forty-ninth Judicial District.  
I. M. Rodriguez, county judge,  
Webb county.  
A. C. Hamilton, district attorney  
Forty-ninth Judicial District.  
A. M. Brinn, county treasurer,  
Webb county.  
L. R. Ortiz, sheriff, Webb county.  
Walter Pierce, district clerk,  
Webb county.  
Geo. R. Page, county clerk, Webb  
county.  
Honore Sigarde, county assessor,  
Webb county.  
A. G. Tierros, county commissioner,  
Precinct No. 1.  
E. Garcia, county commissioner,  
Precinct No. 2.  
A. R. Garcia, county commissioner,  
Precinct No. 3.  
E. R. Tarver, school superintendent.  
J. Villegar, merchant.  
A. Liendardo, stockman.  
Clarence Jeffries, dairyman.  
S. N. Johnson, agent Anheuser  
Busch Brewing Association.  
W. R. Pace, abstractor and real  
estate agent.  
A. M. Kahn, merchant.  
John Colman, merchant.  
Jos. Netzer, merchant.  
Jesus Garcia, merchant.  
J. Garza, merchant.  
F. Werner, blacksmith.  
H. F. Valdez, merchant.  
P. Floyd.  
Nemesco Garcia, druggist.  
A. E. Vidann, stockman.  
J. K. Beretha, vice-president and  
manager Laredo Nat. Bank.  
Santos Trinno, stockman.  
Dent Bros., merchants.  
City Drug Company.  
Sames. Moore & Co., merchants.

I. Alexander, merchant.  
Amador Sanchez, mayor of Laredo.  
Aug. C. Richter, merchant.  
Lachicat Botello, merchant.  
F. Haguno & Co., ranchman.  
M. A. Hirsch, ranchman.  
R. Vedanno, ranchman.  
Nicholas Sierra, merchant.  
T. Romano, merchant.  
L. Botello, druggist.  
B. A. King, ranchman.  
W. Pfeffer, merchant.  
J. D. Murphy, merchant.  
J. H. Murphy, clerk.  
C. Benardo, ranchman.  
Wormser Bros. Brokers.  
Milmo National Bank, bankers.  
City Lumber Co., lumber dealers.  
Tou MaVela, farmer.  
J. A. Kirkpatrick, farmer.  
C. G. Brewster.  
J. Armengal, merchant.  
W. H. Mins & Co., real estate  
and insurance.  
Thomas Reed, druggist.  
E. Demre, collector customs.  
L. Mamlanda, ranchman.  
Higinio Garcia, ranchman.  
Amador Salinas, farmer.  
J. D. Garcia, stockraiser.  
C. C. de la Garza, stockraiser.  
H. de la Garza, stockraiser.  
L. J. Gristen, superintendent  
public school.  
Puan T. Gonzales, farmer.  
Martin B. Garcia, deputy county  
clerk.  
Antonio Juarez, farmer.  
Geo. R. Page & Co., brick manu-  
facturers.  
Rosendo Guerra, farmer.  
Maunel Villaneal, farmer.  
D. J. McDonald, Hotel Hamilton.  
B. Chacon, farmer.  
B. F. Moss, commission.  
John Convery, undertaker.  
W. C. Burr, merchant.  
W. W. Ramsay, grocer and feed  
dealer.  
Clemente Villareal, stockraiser.  
Juan C. Amion, druggist.  
J. M. McKnight, physician.  
Edo Cruz, merchant.  
E. S. Nidaurri, farmer.  
J. M. Ugarte, farmer.  
H. Stanwright.  
O. Sandez, farmer.  
Johnson & Jeffries, brick manu-  
facturers.  
M. Valdez, brick manufacturer.  
E. T. Rannon, feed dealer.  
John Loftus, feed dealer.  
R. S. Ramsey, livery and under-  
taker.  
D. H. Randolph, druggist and  
stationer.

Henry Hein, butcher and farmer.  
Justo S. Brin, Laredo Daily Times.

L. V. Ortiz, stockman.  
S. P. Ortiz, stockman.  
J. A. Ortiz, stockman.  
F. Frerros, stockman.  
Florencio Guerra, stockman.  
Ygnacio Benavides, stockman.  
J. McGuinn & Bro. stockmen.  
M. Urio Rodriguez, stockman.  
Maurice Gutruz, stockman.  
Sabus Gutino, stockman.  
Franc F. Guteris, stockman.  
Adolph Saft, merchant.  
L. Pasco & Co., merchants.  
J. M. Flores, stockman.  
Emeterio Flores, stockman.  
Ligarde & Breman, merchants.  
Mrs. Raymond Martin, merchant.  
A. Cardenas, merchant.  
Manuel Darrla, merchant.  
Spingo Pavoloi.  
Jos. D. Meibi.  
Joe Manti.  
D. Sanchez.  
Micaela Juarez V. de Villareal.  
Jose Brgel Villareal.  
Alejandro Villareal.  
Rafael Salonur.  
Cover Bros.  
L. Pasco.  
Paul Hess.  
Regulo Flores.  
Amador Sanchez.

Senator Faubion offered a petition of the City Water Company of Austin, asking pay of balance due said company for water furnished by said company for the use of the public buildings and grounds of the State of Texas, during the two years of the last administration of Governor C. A. Culberson.

Read, and referred to Committee on Public Debt, Claims and Accounts.

Senator Wilson offered the following:

*To the President and Members of the Senate.*

Rev. and Mrs. W. D. Bradfield, 200 E. Tenth street, will be "at home" this afternoon from 4 to 6 o'clock, and this evening from 8 to 10, and will be pleased to see you and your families.

Senator Faubion offered the following:

*Hon. J. H. Faubion, Senator, and Hons. A. W. Terrell and J. L. Peeler, Representatives, Austin, Texas.*

SIRS: The undersigned believe that it is important and desirable that the interests of Texas should be adequately represented at the St. Louis Exposition in 1904; and so believing, we, your constituents, hereby memorialize you to vote an ample and liberal State appropriation

in aid of the exhibit of Texas' interests at said St. Louis Exposition.

Respectfully,

Arnold Klein.  
J. T. Crow.  
Gust Fichte.  
A. D. Dye.  
Henry Leull.  
B. F. Magness.  
J. M. Jones.  
G. W. Britts.  
T. W. Medearis.  
J. B. Oatman.  
T. H. Sassman.  
G. H. Noren.  
J. S. Pallan.  
W. T. Cargill.  
J. E. Buchanan.  
C. F. Olle.  
E. B. Jones.  
E. C. O'Banion.  
George Dittmar.  
P. Lumsden.  
A. Townsend.  
W. H. Thaxton.  
J. R. Jones.  
J. W. Hartung.  
Theo. A. Hartung.  
Edwin H. Nivens.  
E. R. Klein.  
J. B. Bruce.  
W. L. Nichols.  
Gus Koehn.  
E. H. Miller.  
V. H. Huberich.  
J. H. Fauler.  
D. Cargill.  
G. A. Cargill.  
S. H. Cowan.  
L. P. White.  
Napoleon G. Ebarla.  
Cenebio Gamez.  
John Carl.

The Chair laid before the Senate the following invitation:

THE NATIONAL GOOD ROADS ASSOCIATION.

St. Louis, March 2, 1903.

*To the Honorable President and Members of the Senate, Austin, Texas.*

GENTLEMEN: We have the honor to extend to you the official invitation, and we most cordially and earnestly urge you to attend in a body and take part in the deliberations of the National and International Good Roads Convention, to be held in St. Louis, Missouri, Monday, Tuesday and Wednesday, April 27, 28 and 29, 1903.

Through the tremendous increase of traffic and the onward march of time and improvement, it has become a public necessity to lower the cost of primary transportation of all products from the farms to railroads, rivers and harbors. We, therefore, urge you to attend this

convention and advise with the legislators of other States in suggesting plans that will insure progressive public road improvement in your State and in the several States and Territories of the Union.

The sessions of the National and International Good Roads Convention will be addressed by some of the most distinguished statesmen, railroad officials and scientific engineers of this and foreign countries. The Good Roads Convention and the Dedicatory Services of the Louisiana Purchase Exposition, both events occurring the same week, and the exceedingly low rates granted by all the railroads to delegates, the attendance of President Roosevelt and his cabinet, the oration by ex-President Grover Cleveland, the promised attendance of governors from all States with their staffs, the largest military parade ever witnessed in the Western States, and the assemblage of ministers plenipotentiary and foreign diplomats, marks the occasion as a most important epoch in the Nation's history.

We sincerely trust that you and the honorable Senators of Texas will accept this invitation.

W. H. MOORE,  
President.

R. W. RICHARDSON,  
Secretary.

Senator Faulk offered a memorial from the board of school trustees of the independent school district of the city of Corsicana, protesting against the city of Corsicana and other cities having 10,000 population being included in the provisions of the uniform text-book bill.

Read, and referred to Committee on Education.

#### COMMITTEE REPORTS.

The following committee reports were offered:

##### JUDICIARY NO. 1.

Committee Room,  
Austin, Texas, March 5, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 62, A bill to be entitled "An Act to restore and confer upon the county court of San Saba county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass and be not printed. (Floor report.)

HANGER, Chairman.

##### JUDICIARY NO. 2.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 221, A bill to be entitled "An Act to amend Chapter 19 of the Acts of the First Called Session of the Twenty-fifth Legislature, and approved July 3, 1897, relating to the attendance and pay of attached witnesses and fee of sheriffs for executing attachment issued from the district courts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 258, A bill to be entitled "An Act to amend Article 575, General Laws, Regular Session of the Twenty-seventh Legislature, and adding thereto Article 575a, relating to public weighers,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 15, A bill to be entitled "An Act to prevent coercion or black-listing of any employe or laborer, and to provide a penalty for the violation of the same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 255, A bill to be entitled "An Act to amend Articles 529g and 529v, of Chapter 130, of the General Laws of the State of Texas, of 1901, and adding thereto Article 529x, relating to the offenses for the protection of fish, birds, game, etc., and repealing all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 18, A bill to be entitled "An Act to amend Article 1114, Title XV, Chapter 3, of the Code of Criminal Procedure of the State of Texas, relating to pay of special veniremen in capital cases,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not pass*.

PAULUS, Chairman.

#### JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 209, A bill to be entitled "An Act to create the Sixty-third Judicial District of the State of Texas, to be composed of the counties of Jeff Davis, Presidio, Brewster, Pecos, Val Verde, Kinney and Maverick, and to prescribe the time of holding terms of the district court in said district, and to transfer the district attorney of the Forty-first Judicial District to said new district, and to provide for the appointment of a district judge for the said Sixty-third Judicial District, and to reorganize the Forty-first and Thirty-fourth Judicial Districts; to prescribe a time of holding court therein; to provide for a district attorney for said Forty-first and Thirty-fourth Judicial Districts; to provide for a clerk of the dis-

trict court of the Forty-first Judicial court of the Thirty-fourth Judicial District to empanel a grand jury for El Paso county; to transfer cases from their respective courts to the other said courts; to validate all writs and other process heretofore issued out of the district court of the said Forty-first and Thirty-fourth Judicial Districts, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

BEATY, Chairman.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 228, A bill to be entitled "An Act to amend Articles 266 and 367, of Chapter 5, Title X, of the Penal Code of the State of Texas, of 1895, in relation to the desecration of graves and interference with dead bodies,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

BEATY, Chairman.

#### ENGROSSED BILLS.

Committee Room,  
Austin, Texas, March 5, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 197, A bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate, as a part of its line, the railroad of the Texas & Louisiana Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Texas & Louisiana Railroad Company to sell its said railroad, together with the franchises and property incident or appertaining thereto, to the said St. Louis Southwestern Railway Company of Texas; and to authorize said St. Louis Southwestern Railway Company of Texas to issue and negotiate its bond or bonds, secured or to be secured by mortgage or mortgages, subject to the provisions of this act and of the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to au-

thorize said St. Louis Southwestern Railway Company of Texas to construct, own and operate, as part of its line, the unfinished portion of the railroad of said Texas & Louisiana Railroad Company, between the termini of the latter company, as defined in its charter and amendments thereto, and to construct, own and operate, as part of its line, extensions and branches thereof under or as may be authorized by the charter of said St. Louis Southwestern Railway Company of Texas, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; to regulate reports of the property to be purchased from said Texas & Louisiana Railroad Company, and the operation thereof; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,

Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 4, Providing for a convention to frame a Constitution for the State of Texas,

And find the same correctly engrossed.

PATTESON, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Henderson:

Senate bill No. 260, A bill to be entitled "An Act to provide for the establishment of State depositories, and to prescribe their duties and liabilities."

Read first time, and referred to Committee on Finance.

By Senator Davidson of Galveston:

Senate bill No. 261, A bill to be entitled "An Act to create, establish and maintain a State hospital for the care, treatment and support of colored indigents of this State, and to make an appropriation therefor."

Read first time, and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 262, A bill to be entitled "An Act to amend an act approved April 15, 1901, entitled 'An Act to authorize require and empower the Railroad Commission of the State of Texas to regulate railways crossing each other; to pro-

vide for interlocking or other safety appliances or devices of equal security; to prevent trains colliding at such crossings, and to provide a penalty for refusal to comply with the provisions of this act, and to repeal all laws and parts of laws in conflict with this act,' so as to make it the duty of the said Railroad Commission to ascertain and define the place of the crossing, and to make this act apply to the crossings of steam railroads, by belt railroads, street, urban, interurban, suburban and electric railroads."

Read first time, and referred to Committee on Internal Improvements.

By Senator Savage:

Senate bill No. 263, A bill to be entitled "An Act to abolish the absolute lease line; to provide for the sale and lease of the public free school and asylum lands of the State; to provide a remedy for the cancellation of sales heretofore or hereafter made of said lands for fraud, collusion, non-settlement or failure to continue settlement; to abolish the preference right of leaseholders to purchase; and to amend Sections 4, 5 and 6 of an act entitled 'An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith,' enacted by the Regular Session of the Twenty-seventh Legislature, and approved April 19, 1902, and to add to said act Sections 5a and 5b, and declaring an emergency."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Beaty:

Senate bill No. 264, A bill to be entitled "An Act to validate the incorporation of the city of San Augustine, San Augustine county, Texas."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Faubion:

Senate bill No. 265, A bill to be entitled "An Act to change the name of the Deaf and Dumb Asylum and the Blind Asylum to 'The Texas School for the Deaf and 'The Blind Institute.'"

Read first time, and referred to Committee on State Affairs.

By Senator Mills:

Senate bill No. 266, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Waco, and to define its boundaries and powers,' approved February 19, 1899, by adding thereto a section to be known and numbered as Section 21a, and to authorize the maintenance by said city of free public libraries."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Perkins:

Senate bill No. 267, A bill to be entitled "An Act to amend Article 4584b, Chapter 14, of Title XCIV, of the Revised Civil Statutes of 1895, relating to railroads, and regulating the issuance of stocks and bonds by railroad companies."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

#### SENATE BILL NO. 196.

The Chair laid before the Senate, on its second reading, special order for this hour,

Senate bill No. 196, A bill to be entitled "An Act to better define the qualifications of voters; to prescribe the duties of officers of election, and to make it a penal offense to use or attempt to use for the purpose of enabling one to vote a poll tax receipt issued for another, and to fix a penalty therefor,"

With the following amendment:

"Amend by striking out all after the word 'himself,' on page 1, line 18, to and including the word 'vote,' in line 27,"

With the following substitute for the amendment:

"Amend by striking out all of that provision in line 23, on page 1, following the word 'vote' down to line 27, on page 1, including the word 'vote.'"

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 5, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 178, A bill to be entitled "An Act to restore and confer upon the county court of Hartley county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and the general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the act."

House bill No. 315, A bill to be entitled "An Act to amend Section 7, Chapter 80, of an act passed by the Twenty-sixth Legislature, at its Regular Session of 1899, entitled 'An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, defining their powers and duties as such, and providing for

the appointment of road overseers and defining their duties, and for the working of county convicts on the public roads of such counties, and providing for the payment of officers' fees and rewards and penalties for said convicts, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same; and fixing penalties for the violation of this act,' so as to exempt Lavaca county from the provisions of said section."

House bill No. 297, A bill to be entitled "An Act to create a more efficient road system for Eastland county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, or partly upon both, on the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for the allowance of time for same, and fixing a penalty for the violation of this act, and repeal laws in conflict with this act as to Eastland county, and to authorize the commissioners court of Eastland county to create the office of superintendent of public roads and highways of Eastland county, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent when elected or appointed, and prescribing bond to be given by said officer; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon roads the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; providing for the collection of such sums of money by road overseers; prescribing a penalty for failure to comply with this act, and to authorize said county to issue bonds for the construction and maintenance of roads, highways and purchase and construction of bridges within said Eastland county; and providing that the commissioners court of said county shall not be

compelled to require persons subject to road duty to work on roads, but said court shall have authority to cause said roads to be worked wholly by taxation, or by taxation in connection with road service as said court may deem best."

House bill No. 406, A bill to be entitled "An Act to create the Sixty-third Judicial District of the State of Texas, to be composed of the counties of Jeff Davis, Presidio, Brewster, Pecos, Val Verde, Kinney and Maverick, and to prescribe the time of holding the terms of the district court in said district, and to transfer the district attorney of the Forty-first Judicial District to said new district, and to provide for the appointment of a district judge for the said Sixty-third Judicial District, and to reorganize the Forty-first and Thirty-fourth Judicial Districts, and to prescribe a time of holding court therein; to provide a district attorney for said Forty-first and Thirty-fourth Judicial Districts; to provide for a clerk of the district court of the Forty-first Judicial District, and to empower the district court of the Thirty-fourth Judicial District to empanel a grand jury for El Paso county, and giving authority to the judges of either of said two courts in El Paso county to transfer cases from their respective courts to the other said courts; to validate all writs and other process heretofore issued out of the district court of the said Forty-first and Thirty-fourth Judicial Districts, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 281, A bill to be entitled "An Act to amend Article 4949, Chapter 3, Title CII, of the Revised Civil Statutes of the State of Texas, by adding to the list of counties exempted from the provisions of said chapter and title the county of Medina."

House bill No. 244, A bill to be entitled "An Act to render more effective and efficient the present road laws of the State of Texas in their application and operation in the county of Jack, and to authorize and empower the said county of Jack to issue bonds for the construction and maintenance of public roads and highways in the said county."

House bill No. 251, A bill to be entitled "An Act to create a more efficient road system for Harrison county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of

said county, and providing for officer's fees and rewards for capture of escaped convicts, and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both in the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for the allowance of time for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act as to Harrison county, and to authorize the commissioners court of Harrison county to create the office of superintendent of public roads and bridges of Harrison county, and defining his duties and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll tax payers shall be subject to three days' road duty, providing for the condemnation of any land needed for the widening, straightening, changing, or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material, and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty, on payment of specific sums of money herein stipulated, and authorize and empower the said county of Harrison to issue bonds for the construction and maintenance of public roads and highways within the said county, and to provide for a tax to create a sinking fund to pay same,"

House bill No. 345, A bill to be entitled "An Act to create a more efficient road system for Matagorda county; making the county commissioners court of said county ex-officio road commissioners, and prescribing their duties as such, and providing their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for the election for issuance of bonds for public road and bridge purposes; and providing for the issuance and sale of such bonds by the commissioners court of said county; and providing further, making this law cumulative of the general law, and in case of a conflict this

act to govern as to Matagorda county, Texas; and declaring an emergency."

House bill No. 339, A bill to be entitled "An Act to amend Article 5001, Title CII, Chapter 5, of the Revised Statutes of Texas, of 1895, relating to the prevention of hogs, sheep and goats running at large, and amending the law so as to remove Refugio, Aransas and Bee from the list of exempted counties."

Senate bill No. 164, A bill to be entitled "An Act to restore and confer upon the county court of Polk county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws and parts of laws in conflict with this act."

House bill No. 382, A bill to be entitled "An Act to create a more efficient road system for Palo Pinto county, in this State, making the county commissioners of this county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public road, and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts, and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for the violation of same; and relieving them from the payment of such work by the payment of three dollars; and provided further, for ordering an election to be held in said county by the qualified property tax-paying voters to determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said county; making this act cumulative of the general laws now in force; and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 413, A bill to be entitled "An Act to create a more efficient road system for Fort Bend county, Texas, and making county commissioners of the said county ex-officio road commissioners, and prescribing their duties as such,

and providing for their compensation as such road commissioners; and providing for the working of county convicts upon public roads of said county, and providing for a penalty for the escape of convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads; and relieving road hands from the performance of road work by the payment of the sum of (\$3) three dollars; and providing for the levying and collection of a special road tax of fifteen cents on the one hundred dollars valuation on property in Fort Bend county; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Fort Bend county, Texas, and creating an emergency."

House bill No. 425, A bill to be entitled "An Act to amend Sections 10, 30 and 35 of Chapter 49, of the Acts of the Twenty-seventh Legislature of the State of Texas, creating a more efficient road system for Fayette, Frio and Uvalde counties, Texas, amending the present law so as to provide that in all cases where the cost of the construction of any bridge shall exceed \$300, the work shall be done by contract and let to the lowest bidder; and also reducing the age from fifty to forty-five years at which persons shall be liable to road service."

Senate bill No. 89, A bill to be entitled "An Act to transfer the counties of Bastrop, Burleson, Lee and Washington from the community school system to the district school system, and directing the commissioners courts of said counties to subdivide them into convenient school districts," with amendments.

Senate bill No. 142, A bill to be entitled "An Act to restore to and confer upon the county court of Orange county the general civil jurisdiction provided for by the Constitution and General Laws of the State of Texas; to conform the jurisdiction of the district court of the said county to such change; and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

House bill No. 317, A bill to be entitled "An Act to amend the special road law of Van Zandt county, Texas, as enacted by the Twenty-seventh Legislature, and sent to the Governor for his approval on the 8th day of April, 1901, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county."

Senate bill No. 169, A bill to be entitled "An Act to amend paragraph 6, of Chapter 4, Section 1, of an act of the Twenty-seventh Legislature of Texas, approved January 22, 1901, entitled 'An Act to regulate the terms and fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to regulate and validate the returns of all writs and processes heretofore and hereafter issued from the district courts of said judicial district, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency,' so as to increase the time for the terms of the district court of Matagorda county, Texas."

Senate bill No. 4, A bill to be entitled "An Act to create, establish and maintain a branch asylum or home for the care, treatment and support of idiots and imbeciles of this State, and to make an appropriation therefor," with amendments.

House Concurrent Resolution No. 17, Authorizing the Superintendent of Public Buildings and Grounds to expend \$2,500 in repairing and keeping in proper condition the State cemetery.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### HOUSE BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after the caption had been read,

House bill No. 130, "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government from March 1, 1900, to August 31, 1903, being for claims registered in the Comptroller's office in accordance with law and for outstanding claims not registered, and for other deficiencies; and to make additional appropriations for the support of the State government for the year ending March 31, 1903."

House bill No. 14, "An Act providing for the extension of the corporate limits of any town or village incorporated for free school purposes only."

#### SENATE BILL NO. 196.

Action being on the adoption of the substitute to the pending amendment,

Senator Patteson withdrew the substitute, and

Senator Hicks offered the following amendment to the amendment:

"Amend by adding after the word 'election,' line 32, page 1, the following: 'Provided that in cities or towns having

a population of 5000 or over according to the last Federal census, no person shall be entitled to vote at any election, National, State or county, city or district, unless he shall have paid the poll tax in person.'"

Pending action on the substitute to the amendment,

Senator Henderson moved that further consideration of the bill be postponed until tomorrow morning at conclusion of morning call.

The motion prevailed.

#### HOUSE BILLS READ AND REFERRED.

The Chair had referred the following House bills, after their captions had been read:

House bill No. 178, A bill to be entitled: "An Act to restore and confer upon the county court of Hartley county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and the general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the act."

Referred to Judiciary Committee No. 1.

House bill No. 244, A bill to be entitled: "An Act to render more effective and efficient the present road laws of the State of Texas in their application and operation in the county of Jack, and to authorize and empower the said county of Jack to issue bonds for the construction and maintenance of public roads and highways in the said county."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 251, A bill to be entitled: "An Act to create a more efficient road system for Harrison county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of said county, and providing for officer's fees and rewards for capture of escaped convicts, and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both in the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for the allowance of time for same, and fixing a penalty for the violation of

this act, and repeal all laws in conflict with this act as to Harrison county, and to authorize the commissioners court of Harrison county to create the office of superintendent of public roads and bridges of Harrison county, and defining his duties and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll tax payers shall be subject to three days road duty, providing for the condemnation of any land needed for the widening, straightening, changing, or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material, and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty, on payment of specific sums of money herein stipulated, and authorize and empower the said county of Harrison to issue bonds for the construction and maintenance of public roads and highways within the said county, and to provide for a tax to create a sinking fund to pay same."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 281, A bill to be entitled "An Act to amend Article 4949, Chapter 3, Title CII, of the Revised Civil Statutes of the State of Texas, by adding to the list of counties exempted from the provisions of said chapter and title the county of Medina."

Referred to Committee on Stock and Stock Raising.

House bill No. 297, A bill to be entitled "An Act to create a more efficient road system for Eastland county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, or partly upon both, on the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for the allowance of time for same, and fixing a penalty for the violation of this act, and repeal laws in conflict with this act as to Eastland county, and to authorize the commissioners court of Eastland county to create the office of superintendent of public roads and highways

of Eastland county, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent when elected or appointed, and prescribing bond to be given by said officer; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon roads the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; providing for the collection of such sums of money by road overseers; prescribing a penalty for failure to comply with this act, and to authorize said county to issue bonds for the construction and maintenance of roads, highways and purchase and construction of bridges within said Eastland county; and providing that the commissioners court of said county shall not be compelled to require persons subject to road duty to work on roads, but said court shall have authority to cause said roads to be worked wholly by taxation, or by taxation in connection with road service as said court may deem best."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 315, A bill to be entitled "An Act to amend Section 7, Chapter 80; of an act passed by the Twenty-sixth Legislature, at its Regular Session of 1899, entitled 'An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, defining their powers and duties as such, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts on the public roads of such counties, and providing for the payment of officers' fees and rewards and penalties for said convicts, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same; and fixing penalties for the violation of this act,' so as to exempt Lavaca county from the provisions of said section."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 317, A bill to be entitled "An Act to amend the special road law of Van Zandt county, Texas, as enacted by the Twenty-seventh Legislature, and sent to the Governor for his approval on the 8th day of April, 1901, and to au-

thorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 345, A bill to be entitled "An Act to create a more efficient road system for Matagorda county; making the county commissioners court of said county ex-officio road commissioners, and prescribing their duties as such, and providing their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for the election for issuance of bonds for public road and bridge purposes; and providing for the issuance and sale of such bonds by the commissioners court of said county; and providing further, making this law cumulative of the general law, and in case of a conflict this act to govern as to Matagorda county, Texas; and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 382, A bill to be entitled "An Act to create a more efficient road system for Palo Pinto county, in this State, making the county commissioners of this county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public road, and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts, and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for the violation of same; and relieving them from the payment of such work by the payment of three dollars; and provided further, for ordering an election to be held in said county by the qualified property tax-paying voters to

determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said county; making this act cumulative of the general laws now in force; and to repeal all laws in conflict with this act, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 339, A bill to be entitled "An Act to amend Article 5001, Title CII, Chapter 5, of the Revised Statutes of Texas, of 1895, relating to the prevention of hogs, sheep and goats running at large, and amending the law so as to remove Refugio, Aransas and Bee from the list of exempted counties."

Referred to Committee on Stock and Stock Raising.

House bill No. 413, A bill to be entitled "An Act to create a more efficient road system for Fort Bend county, Texas, and making county commissioners of the said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon public roads of said county, and providing for a penalty for the escape of convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads; and relieving road hands from the performance of road work by the payment of the sum of (\$3) three dollars; and providing for the levying and collection of a special road tax of fifteen cents on the one hundred dollars valuation on property in Fort Bend county; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Fort Bend county, Texas, and creating an emergency."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 406, A bill to be entitled "An Act to create the Sixty-third Judicial District of the State of Texas, to be composed of the counties of Jeff Davis, Presidio, Brewster, Pecos, Val Verde, Kinney and Maverick, and to prescribe the time of holding the terms of the district court in said district, and to transfer the district attorney of the Forty-first Judicial District to said new district, and to provide for the appointment of a district judge for the said Sixty-third Judicial District, and to reorganize the Forty-first and Thirty-fourth Judicial Districts, and to pre-

scribe a time of holding court therein; to provide a district attorney for said Forty-first and Thirty-fourth Judicial Districts; to provide for a clerk of the district court of the Forty-first Judicial District, and to empower the district court of the Thirty-fourth Judicial District to empanel a grand jury for El Paso county, and giving authority to the judges of either of said two courts in El Paso county to transfer cases from their respective courts to the other said courts; to validate all writs and other process heretofore issued out of the district court of the said Forty-first and Thirty-fourth Judicial Districts, and to repeal all laws and parts of laws in conflict herewith."

Referred to Committee on Judicial Districts.

House bill No. 425, A bill to be entitled "An Act to amend Sections 10, 30 and 35 of Chapter 49, of the Acts of the Twenty-seventh Legislature of the State of Texas, creating a more efficient road system for Fayette, Frio and Uvalde counties, Texas, amending the present law so as to provide that in all cases where the cost of the construction of any bridge shall exceed \$300, the work shall be done by contract and let to the lowest bidder; and also reducing the age from fifty to forty-five years at which persons shall be liable to road service."

Referred to Committee on Roads, Bridges and Ferries.

House Concurrent Resolution No. 17, Authorizing the Superintendent of Public Buildings and Grounds to expend \$2,500 in repairing and keeping in proper condition the State cemetery.

Referred to Committee on Finance.

#### SENATE BILL NO. 197.

The Chair laid before the Senate, on third reading, special order,

Senate bill No. 158, A bill to be entitled "An Act to amend Article 643, of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation,"

On motion of Senator Wilson, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order, Senate bill No. 197.

The Chair laid before the Senate, on second reading,

Senate bill No. 197, A bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate, as a part of its line, the railroad of the Texas & Louisiana Railroad Company, together with all the franchises and property incident or appertaining thereto; and to

authorize the Texas & Louisiana Railroad Company to sell its said railroad, together with the franchises and property incident or appertaining thereto, to the said St. Louis Southwestern Railway Company of Texas; and to authorize said St. Louis Southwestern Railway Company of Texas to issue and negotiate its bond or bonds, secured or to be secured by mortgage or mortgages, subject to the provisions of this act and of the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said St. Louis Southwestern Railway Company of Texas to construct, own and operate, as part of its line, the unfinished portion of the railroad of said Texas & Louisiana Railroad Company, between the termini of the latter company, as defined in its charter and amendments thereto, and to construct, own and operate, as part of its line, extensions and branches thereof under or as may be authorized by the charter of said St. Louis Southwestern Railway Company of Texas, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; to regulate reports of the property to be purchased from said Texas & Louisiana Railroad Company, and the operation thereof; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

(Senator Willacy in the chair.)

Senator Wilson moved that the majority committee report be adopted, and

Senator Martin moved that the minority committee report be adopted as a substitute.

The motion was lost by the following vote:

Yeas—9.

Douglass.	Martin. ✓
Grinnan. ✓	Mills.
Hanger.	Morris.
Harbison.	Sebastian.
Harper.	

Nays—17.

Beaty.	Hill.
Cain.	McKamy.
Davidson of	Patteson.
DeWitt.	Paulus.
Davidson of	Perkins.
Galveston.	Savage.
Faulk.	Stafford.
Faust.	Willacy.
Henderson.	Wilson.
Hicks.	

**Present—Not voting.**

Brachfield. Lipscomb.  
Decker.

**Absent.**

Faubion. Hale.

The motion to adopt the majority committee report prevailed.

Bill read second time, and ordered engrossed.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading and final passage by the following vote:

**Yeas—27.**

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	McKamy.
DeWitt.	Mills.
Davidson of	Morris.
Galveston.	Patteson.
Decker.	Paulus.
Douglass.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Henderson.	

**Nays—2.**

Harper. Martin.

**Absent.**

Faubion. Hale.

The bill was read third time, and passed by the following vote:

**Yeas—26.**

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	McKamy.
DeWitt.	Mills.
Davidson of	Morris.
Galveston.	Patteson.
Decker.	Paulus.
Douglass.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Henderson.	Wilson.

**Nays—3.**

Grinnan. Martin.

Harper.

**Absent.**

Faubion. Hale.

Senator Wilson moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

**COMMITTEE REPORT.**

(By unanimous consent.)

**FINANCE.**

Committee Room,

Austin, Texas, February 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

**SIR:** Your Committee on Finance, to whom was referred

Senate bill No. 212, A bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of the State of Texas, 1895, in reference to fees of office to be charged and collected by certain officers, so as to hereafter read as follows,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it *do pass*.

WILSON, Chairman.

Committee Room,

Austin, Texas, February 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

**SIR:** Your Committee on Finance, to whom was referred

Senate bill No. 213, A bill to be entitled "An Act to amend Article 5243i, of Chapter 104, of the General Laws of the Twenty-fifth Legislature of the State of Texas, entitled 'An Act to amend Articles 5243e, 5243i, 5243j, and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State, for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for the violation of this act,' approved April 30, 1897, so as to hereafter read as follows:

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it *do pass*.

WILSON, Chairman.

**SENATE BILL NO. 201.**

On motion of Senator Decker, the special order of business (Senate bill No. 158) was suspended, and the Senate took

up, out of its order, Senate bill No. 201.

The Chair laid before the Senate, on its second reading,

Senate bill No. 201, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of valid land certificates originally granted by the State of Texas to railway companies and to other corporations engaged in the work of internal improvements."

Senator Davidson of DeWitt offered the following amendment:

"Amend by adding in line 4, page 2, of the printed bill, after the word 'fact,' by inserting after the word 'fact,' and in lieu of the remainder of said section, the following language: 'By a bona fide sale been already alienated to actual purchasers; and provided further, that all lands now held by such original grantee or held for its benefit, shall be sold to actual bona fide purchasers within the period of seven years, otherwise such lands as are not so alienated shall revert to and become the property of the State of Texas.'"

(Lieutenant Governor Neal in the chair.)

Senator Savage offered the following amendment to the amendment:

"Amend amendment as follows: 'Provided further, that all lands affected by this act shall be alienated in tracts not to exceed four sections to any one person or persons, and that no person or persons, or corporation shall make more than one purchase of said lands.'"

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Grinnan offered the following amendment:

"Amend by adding after the word 'same,' in line 6, page 2, the following: 'And it is expressly understood that this act shall not affect the rights of any person who is now an actual settler on and claiming any right or title to any of said lands.'"

The amendment was read, and lost.

Senator Savage offered the following amendment:

"Amend by inserting the following as Section 2, and change Section 2 of printed bill to Section 3, and renumber each: 'Section 2. That any railway company which has in any manner whatsoever acquired title to or interest in any lands in this State, not required in the construction, operation or repair of its railway or for yards, stations or other facilities, shall alienate the same in good faith within seven years after the passage of this act, otherwise the same shall be forfeited to the State, at the suit of the Attorney General.'"

## POINT OF ORDER.

Senator Davidson of DeWitt made the point of order that the foregoing amendment was not germane to the bill.

The Chair (Lieutenant Governor Neal) overruled the point of order.

The amendment was read, and adopted.

The bill was read second time, and ordered engrossed.

On motion of Senator Decker, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

### Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Savage.
Faust.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

### Nays—1.

Grinnan.

### Absent.

Hale.	Stafford.
Perkins.	

The bill was read third time, and passed by the following vote:

### Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Savage.
Faust.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

### Nays—1.

Grinnan.

### Absent.

Hale.	Stafford.
Perkins.	

Senator Decker moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 240.

On motion of Senator Sebastian, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 240.

The Chair laid before the Senate, on its second reading,

Senate bill No. 240, A bill to be entitled "An Act to amend Article 3503, Title LXXIII, of Chapter 3, of the Revised Civil Statutes of Texas, 1895, in relation to the appointment of notaries public in unorganized counties."

On motion of Senator Sebastian, the committee report was adopted.

The bill was read second time, and ordered engrossed.

On motion of Senator Sebastian, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Beaty.	Perkins.
Hale.	Stafford.
Martin.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Beaty.
Hale.
Martin.

Perkins.
Stafford.

Senator Sebastian moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Harbison, the Senate, at 1 o'clock p. m., took a recess until 2:30 o'clock this afternoon.

AFTER RECESS.

#### HOUSE BILL NO. 38.

On motion of Senator Hicks, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, House bill No. 38.

The Chair laid before the Senate, on its second reading,

House bill No. 38, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments, and other establishments using machinery, and to provide penalties for the violation of same."

The bill was read second time, and passed to a third reading.

#### SENATE BILL NO. 76.

On motion of Senator Hill, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 76.

The Chair laid before the Senate, on its second reading,

Senate bill No. 76, A bill to be entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of health and life, to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, to provide penalty for the violation thereof, and declaring an emergency."

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 223.

On motion of Senator Brachfield, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 223.

The Chair laid before the Senate, on its second reading,

Senate bill No. 223, A bill to be entitled "An Act to extend the time in which railroad companies heretofore authorized to purchase or sell their lines of railroads, franchises, etc., since April 1, 1901, but requiring such railroad companies as a condition precedent to such sale or conveyance to construct additional mileage, may comply with the terms of said requirements, and providing that it shall be a sufficient compliance with the terms of said act or acts if such railroad company or companies construct or cause to be constructed the additional mileage heretofore required within two years after the passage of this act, and declaring an emergency."

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 14.

On motion of Senator Savage, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order Senate bill No. 14.

The Chair laid before the Senate, on its second reading,

Senate bill No. 14, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties since July 14, 1879."

On motion of Senator Savage the majority committee report was adopted.

Senators Savage and Decker offered the following amendment:

"Amend by adding at the end of Section 1 the following: 'Provided, that the owners of said lands who do not now reside on the same, in order to avail themselves of the benefit of this act, shall immediately after the same shall take effect, place the said lands on the market for sale to actual settlers desiring to purchase and settle on the same, at one and not more than two dollars per acre, according to the quality of the same, in tracts not smaller than survey as located and patented on the following terms: One-fifth cash, one-tenth payable each year after the purchase until the full purchase price is paid; deferred payments to bear six per cent. interest per annum from date of sale, and said land shall remain on the market for sale on said terms for one year unless sooner sold. Provided, that not more than four sections shall be sold to any one person or persons. Provided further, that if any of said lands on March 1, 1903, were occupied by actual settlers that such settlers shall have the preference right to purchase same at not exceeding one dollar and fifty cents per acre, and provided further, that the rights of any settler

now occupying said lands are not affected by the provisions of this act.'"

The amendment was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage.

The motion to suspend the constitutional rule was lost by the following vote:

#### Yeas—19.

Beaty.	Henderson.
Brachfield.	Hicks.
Davidson of	Hill.
Galveston.	Lipscomb.
Decker.	Mills.
Douglass.	Paulus.
Faubion.	Savage.
Faulk.	Sebastian.
Faust.	Willacy.
Hanger.	Wilson.

#### Nays—6.

Cain.	Martin.
Grinnan.	Morris.
Harper.	Perkins.

#### Absent.

Davidson of	McKamy.
DeWitt.	Patteson.
Hale.	Stafford.
Harbison.	

#### HOUSE BILL NO. 38—PASSAGE OF.

On motion of Senator Hicks, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order House bill No. 38.

On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

#### Yeas—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.
Harper.	

## Absent.

Hale. McKamy.  
Harbison. Stafford.

The Chair laid before the Senate on its third reading and final passage House bill No. 38 (see caption above.)

The bill was read third time, and passed by the following vote:

## Yeas—28.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

## Absent.

Hale. Stafford.  
Harbison.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 200—PAS-  
SAGE OF.

On motion of Senator Hanger the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order Senate bill No. 200.

The Chair laid before the Senate, on its second reading,

Senate bill No. 200, A bill to be entitled "An Act to provide, upon proper application, for the annual inspection by the Adjutant General of the State of Texas, or by some officer or officers detailed by him for that purpose, of the military department of educational institutions incorporated under the laws of the State of Texas."

The bill was read second time, and ordered engrossed.

Senator Hanger moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed.

Senator Hanger offered the following amendment:

"Amend the bill by adding Section 3. 'Section 3. The crowded condition of the calendar creates an imperative public necessity and emergency requiring the suspension of the constitutional

rule requiring bills to be read on three several days, and the same is so suspended, and this act shall take effect from and after its passage, and it is so enacted.'"

The amendment was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hanger the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

## Absent.

Hale. Stafford.  
Harbison.

The bill was read third time, and passed by the following vote:

## Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.
Henderson.	

## Absent.

Decker. Harbison.  
Hale. Stafford.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 198 ON SECOND  
READING.

On motion of Senator Hill, the special order of business (Senate bill No.

158) was suspended, and the Senate took up out of its order Senate bill No. 198.

The Chair laid before the Senate on its second reading,

Senate bill No. 198, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Civil Statutes, of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth Legislature, Regular Session, relating to the employment of stenographers by the Courts of Civil Appeals."

The bill was read second time, and ordered engrossed.

#### HOUSE BILL NO. 41.

On motion of Senator Wilson, the special order of business (Senate bill No. 158,) was suspended, and the Senate took up out of its order House bill No. 41.

The Chair laid before the Senate on its second reading,

House bill No. 41, A bill to be entitled "An Act to transfer Cass county from the community to the district school system."

The bill was read second time, and passed to a third reading.

#### HOUSE BILL NO. 62—PASSAGE OF.

On motion of Senator Grinnan, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order House bill No. 62.

The Chair laid before the Senate on its second reading,

House bill No. 62, A bill to be entitled "An Act to restore and confer upon the county court of San Saba county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Senator Grinnan moved that the Senate rule requiring committee reports to lay over one day be suspended.

The motion prevailed.

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Decker.
Davidson of	Douglass.
DeWitt.	Faubion.

Faulk.	McKamy.
Faust.	Morris.
Grinnan.	Patteson.
Hanger.	Paulus.
Harper.	Perkins.
Henderson.	Savage.
Hicks.	Sebastian.
Hill.	Willacy.
Lipscomb.	Wilson.
Martin.	

Absent.

Hale.	Mills.
Harbison.	Stafford.

(Senator McKamy in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Morris.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.

Absent.

Hale.	Patteson.
Harbison.	Stafford.
Mills.	

#### SENATE BILL NO. 166—PAS- SAGE OF.

On motion of Senator Decker, the special order of business (Senate bill 158) was suspended, and the Senate ate took up out of its order Senate bill No. 166.

The Chair laid before the Senate on second reading,

Senate bill No. 166, A bill to be entitled "An Act making it a misdemeanor to injure or destroy military arms, clothing, equipments or other military property, or to sell or dispose of the same, or to use or wear any uniform or other military property belonging to the State or the United States and issued by the State, except in performance of military duties, and to provide penalties therefor."

Bill read second time, and ordered engrossed.

On motion of Senator Decker, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Decker.	McKamy.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

## Absent.

Davidson of	Mills.
DeWitt.	Patteson.
Hale.	Stafford.
Harbison.	

The bill was read third time, and passed by the following vote:

## Yeas—25.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Decker.	McKamy.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

## Absent.

Davidson of	Mills.
DeWitt.	Patteson.
Hale.	Stafford.
Harbison.	

## HOUSE BILL NO. 22—RECONSIDERED AND CORRECTED.

On motion of Senator Paulus, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order House bill No. 22.

The Chair laid before the Senate,

House bill No. 22, A bill to be entitled "An Act to amend Article 2366, of the Revised Civil Statutes of the State of Texas, of 1895, and to repeal Article 2367 of said statute, fixing the manner of advertising sales of real estate under execution, etc."

Senator Paulus moved to rescind the Senate's former action in tabling the motion to reconsider the vote by which House bill No. 22 was passed.

The motion prevailed.

Senator Paulus moved to reconsider

the vote by which House bill No. 22 finally passed.

The motion prevailed.

Senator Paulus moved to reconsider the vote by which House bill No. 22 passed to a third reading.

The motion prevailed.

Senator Paulus moved to reconsider the vote by which the amendments to the substitute were adopted.

The motion prevailed.

Senator Paulus offered the following substitute for the amendments:

"Amend by adding after the word 'fixed,' in line 31, of the substitute, the following: 'Or upon written request of the defendants in execution, filed in the court from which said execution or order of sale is issued, at any time within five days from the date of such execution or order of sale.' And further amend the substitute by adding at the end of Section 1, the following: 'And shall deliver or mail to the defendant or defendants in execution a copy of such notice of sale.'"

The amendment was adopted.

The bill was read second time, and passed to a third reading, and

The bill was read third time, and passed.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 170—PASSAGE OF.

On motion of Senator Douglass, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 170.

The Chair laid before the Senate, on its second reading,

Senate bill No. 170, A bill to be entitled "An Act to authorize the first office assistant of the Attorney General to discharge the duties that are devolved by law upon the Attorney General, in the absence or inability to act of the Attorney General."

The bill was read second time, and ordered engrossed.

On motion of Senator Douglass, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Faubion.
Brachfield.	Faulk.
Cain.	Faust.
Davidson of	Grinnan.
DeWitt.	Harper.
Davidson of	Henderson.
Galveston.	Hicks.
Decker.	Hill.
Douglass.	Lipscomb.

Martin.	Perkins.
McKamy.	Savage.
Morris.	Sebastian.
Patteson.	Willacy.
Paulus.	Wilson.

Absent.

Hale.	Mills.
Hanger.	Stafford.
Harbison.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hanger.	Sebastian.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Davidson of	Harbison.
DeWitt.	Mills.
Decker.	Stafford.
Hale.	

Senator Henderson moved to reconsider the vote by which the bill passed, and spread that motion on the Journal. The motion prevailed.

## SENATE BILL NO. 204—PASSAGE OF.

On motion of Senator Lipscomb, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 204.

The Chair laid before the Senate, on its second reading,

Senate bill No. 204, A bill to be entitled "An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring, with power to maintain and operate, street railways and suburban or belt lines of railway within and near cities and towns which use electric power, shall be authorized to supply and sell electric light and power to the public and to municipalities."

The bill was read second time, and ordered engrossed.

On motion of Senator Lipscomb, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third

reading and final passage by the following vote:

Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.

Absent.

Hale.	Stafford.
Harbison.	Wilson.
Mills.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty. ✓	Harper.
Brachfield. ✓	Henderson.
Cain.	Hicks.
Davidson of	Hill. ✓
DeWitt.	Lipscomb.
Davidson of ✓	Martin. ✓
Galveston.	McKamy.
Decker.	Morris. ✓
Douglass. ✓	Patteson.
Faubion. ✓	Paulus. ✓
Faulk.	Perkins. ✓
Faust.	Savage.
Grinnan. ✓	Sebastian.
Hanger.	Wilson. ✓

Absent.

Hale. ✓	Stafford. ✓
Harbison.	Willacy.
Mills.	

Senator Lipscomb moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 64.

On motion of Senator Faulk, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 64.

The Chair laid before the Senate, on its second reading,

Senate bill No. 64, A bill to be entitled "An Act to give the furnishers of feed for cattle a prior lien on said cattle to secure the payment of such feed."

The bill was read second time, and ordered engrossed.

On motion of Senator Faulk, the con-

stitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Wilson.

## Absent.

Hale.	Stafford.
Harbison.	Willacy.
Morris.	

The bill was read third time, and passed by the following vote:

## Yeas—25.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Wilson.
Hanger.	

## Absent.

Hale.	Morris.
Harbison.	Stafford.
Henderson.	Willacy.

Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Senator Mills moved as a substitute that the vote by which the bill was passed be reconsidered, and that motion be spread upon the Journal.

The substitute motion was lost, and The motion to table prevailed.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 5, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 228, A bill to be entitled "An Act to create a more efficient road law for Henderson county, creating the office of county road superintendent, prescribing his qualifications and duties, providing for working county and State convicts and delinquent poll tax payers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseers, and fixing amount of their pay, and prescribing penalties against road overseers, hands and road superintendents, and prescribing the duties of the county attorney, grand jury and district judge in seeing its provisions enforced; fixing width of public roads, and providing how they shall be worked, graded, etc.; for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the county superintendent; for the hiring of teams, tools and wagons by the county superintendent and overseers, and relieving of hands by paying \$4.00 per annum; and for opening up two first class roads running east and west and north and south through the county seat; and for the appropriating of taxes collected in each commissioners precinct; fixing the ages of persons liable to work on roads; providing for the levy of road and bridge tax, and issuance of bonds for road and bridge purposes; and fixing the bonds of the county superintendent and road overseers and penalties to be recovered in case of a breach thereof; and providing that, in cases where there is a conflict with this and the general laws of the State, this supersedes the general law, and where there is no conflict, the general law still remains in force," with engrossed rider.

House bill No. 233, A bill to be entitled "An Act to create a more efficient road system for Shelby county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both upon the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farm, and to provide for the summoning of teams for road work, and for allowance of time for same, and fixing a penalty for the violation of this act, and

repeal all laws in conflict with this act as to Shelby county, and to authorize the commissioners court of Shelby county to create the office of superintendent of public roads and bridges for Shelby county, and defining his duties, and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll tax payers shall be subject to three days road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timbers, gravel, earth, stone or other necessary material, and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty on payment of specific sums of money herein stipulated, and to authorize and empower the said county of Shelby to issue bonds for the construction and maintenance of public roads and highways within the said county, and to provide for a tax to create a sinking fund to pay for same."

House bill No. 400, A bill to be entitled "An Act to amend Chapter 114 of the Acts of the Twenty-seventh Legislature, approved April 18, 1901, entitled 'An Act to create a more efficient road system for the counties in this State,' etc., amending the law so as to place Collin county within the provisions of said act, and declaring an emergency."

Senate bill No. 102, A bill to be entitled "An Act to create the county of Reagan out of the territory of Tom Green county, and to provide for its organization."

Senate bill No. 134, A bill to be entitled "An Act to prohibit any corporation or receiver operating a line of railway in whole or in part in the State of Texas, or any officer, agent or representative of such corporations, or receiver, from requiring or permitting any conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator, or any trainman who has worked in his respective capacity for sixteen consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least eight hours rest, and prescribing a penalty for the violation of this act."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### PRIVILEGED COMMITTEE REPORT.

Committee Room,

Austin, Texas, March 5, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 201, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of valid land certificates originally granted by the State of Texas to railway companies, and to other corporations engaged in the work of internal improvements,"

And find the same correctly engrossed.

PATTESON, Chairman.

#### SENATE BILLS NOS. 142 AND 169 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 142, "An Act to restore to and confer upon the county court of Orange county the general civil jurisdiction provided for by the Constitution and general laws of the State of Texas; to conform the jurisdiction of the district court of the said county to such change, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Senate bill No. 169, "An Act to amend paragraph 6, of Chapter 4, Section 1, of an act of the Twenty-seventh Legislature of Texas, approved January 22, 1901, entitled 'An Act to regulate the terms and to fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to regulate and validate the returns of all writs and processes heretofore and hereafter issued from the district courts of said judicial district, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency,' so as to increase the time for the terms of the district court of Matagorda county, Texas."

(Lieutenant Governor Neal in the chair.)

#### SENATE BILL NO. 177.

On motion of Senator Davidson of Galveston, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 177.

The Chair laid before the Senate, on its second reading,

Senate bill No. 177, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons."

Senator Davidson of Galveston offered the following amendment:

"Amend on line 31, page 2 of bill, by inserting the word 'body' for the word 'boy.'"

The amendment was adopted.

#### MOTION TO ADJOURN LOST.

Senator Mills moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

#### Yeas—6.

Decker.	Savage.
Hanger.	Sebastian.
Hicks.	Wilson.

#### Nays—21.

Brachfield.	Henderson.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Harbison.	Willacy.
Harper.	

#### Absent.

Beaty.	Hale.
Faubion.	Stafford.

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out line 12, page 1, of the bill."

Senator Davidson of Galveston moved to table the amendment.

The motion to table the amendment was lost by the following vote:

#### Yeas—10.

Davidson of	McKamy.
Galveston.	Mills.
Hanger.	Perkins.
Hicks.	Sebastian.
Lipscomb.	Willacy.
Martin.	

#### Nays—15.

Brachfield.	Harbison.
Cain.	Harper.
Davidson of	Henderson.
DeWitt.	Hill.
Decker.	Morris.
Douglass.	Patteson.
Faulk.	Paulus.
Faust.	Savage.

#### Absent.

Beaty.	Hale.
Faubion.	Stafford.
Grinnan.	Wilson.

The question being on the amendment, the same was lost by the following vote:

#### Yeas—13.

Brachfield.	Harbison.
Cain.	Harper.
Davidson of	Henderson.
DeWitt.	Morris.
Decker.	Patteson.
Faulk.	Paulus.
Faust.	Savage.

#### Nays—13.

Beaty.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Douglass.	Mills.
Hanger.	Perkins.
Hicks.	Sebastian.
Hill.	Willacy.

#### Absent.

Faubion.	Stafford.
Grinnan.	Wilson.
Hale.	

The vote being 13 yeas and 13 nays, the Chair voted "nay."

Senator Davidson of DeWitt moved to postpone further consideration of the bill indefinitely, and on that motion moved a call of the Senate.

The motion was duly seconded, and the roll was ordered called, the following Senators answering to their names:

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hanger.	Savage.
Harbison.	Sebastian.
Harper.	Willacy.

#### Absent.

Beaty.	Stafford.
Faubion.	Wilson.
Hale.	

The Sergeant-at-Arms was instructed to bring in the absentees, as shown by the above roll call.

#### PRIVILEGED REPORT.

Committee Room,  
Austin, Texas, March 5, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 223, A bill to be entitled "An Act to extend the time in which

railroad companies heretofore authorized to purchase or sell their lines of railroads, franchises, etc., since April 1, 1901, but requiring such railroad companies as a condition precedent to such sale or conveyance to construct additional mileage may comply with the terms of said requirements, and providing that it shall be a sufficient compliance with the terms of said act or acts if such railroad company or companies construct or cause to be constructed the additional mileage heretofore required within two years after the passage of this act, and declaring an emergency."

And find the same correctly engrossed.  
PATTESON, Chairman.

#### SENATE BILL NO. 223—THIRD READING.

On motion of Senator Brachfield, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order Senate bill No. 223.

Senator Brachfield moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—23.

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hanger.	Sebastian.
Harper.	Willacy.
Henderson.	

Absent.

Beaty.	Harbison.
Douglass.	Morris.
Faubion.	Stafford.
Hale.	Wilson.

#### SENATE BILL NO. 222.

On motion of Senator Perkins, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order Senate bill No. 222.

The Chair laid before the Senate on its second reading.

Senate bill No. 222, A bill to be entitled "An Act to secure evidence by depositions."

Senator Perkins offered the following amendment:

"Amend Section 1, in line 12, after the word 'to,' and before the word 'answer,' the word 'fully.'"

The amendment was adopted.

Senator Perkins offered the following amendment:

"Add Section 3 as follows: 'Section 3. That whereas there is now no adequate provision of law for securing evidence upon interrogatories, and whereas all litigants in our courts should be provided with the means to secure evidence upon interrogatories to the same extent as if the witness was before the court testifying, and the fact of the near approach of the close of this session of the Legislature creates an imperative public necessity requiring the suspension of the constitutional rule that bills be read in each house on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

The amendment was adopted.

The bill was read second time, and ordered engrossed.

#### BILLS RECOMMITTED.

Senator Davidson of DeWitt, called up Senate bill No. 168, and moved that it be recommitted to Committee on Public Health.

The motion prevailed.

Senator Hanger called up Senate bill No. 143, and moved that it be recommitted to Judiciary Committee No. 1.

The motion prevailed.

#### BILLS READ AND REFERRED.

The Chair had referred the following bills, after their captions had been read:

House bill No. 228, A bill to be entitled "An Act to create a more efficient road law for Henderson county; creating the office of county road superintendent, prescribing his qualifications and duties; providing for working county and State convicts and delinquent poll tax payers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseers, and fixing amount of their pay, and prescribing penalties against road overseers, hands and road superintendent, and prescribing the duties of the county attorney, grand jury and district judge in seeing its provisions enforced; fixing width of public roads, and providing how they shall be worked, graded, etc.; for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the county superintendent; for the hiring of teams,

tools and wagons by the county superintendent and overseers, and relieving of hands by paying \$4.00 per annum; and opening up two first-class roads running east and west and north and south through the county seat; and for the appropriating of taxes collected in each commissioners precinct; fixing the ages of persons liable to work on roads; providing for the levy of road and bridge tax, and issuance of bonds for road and bridge purposes; and fixing the bonds of the county superintendent and road overseers, and penalties to be recovered in case of a breach thereof; and providing that in cases where there is a conflict in this and the General Laws of the State this supersedes the general laws, and where there is no conflict the general law still remains in force."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 233, A bill to be entitled "An Act to create a more efficient road system for Shelby county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both upon the discretion of the commissioners court, and making provisions applicable as far as practicable to convicts when worked on county farm, and to provide for the summoning of teams for road work, and for allowance of time for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act as to Shelby county, and to authorize the commissioners court of Shelby county to create the office of superintendent of public roads and bridges for Shelby county, and defining his duties, and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll tax payers shall be subject to three days road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timbers, gravel, earth, stone or other necessary material, and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty on payment of specific sums of money herein stipulated, and to authorize and empower

the said county of Shelby to issue bonds for the construction and maintenance of public roads and highways within the said county, and to provide for a tax to create a sinking fund to pay for same."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 400, A bill to be entitled "An Act to amend Chapter 114 of the Acts of the Twenty-seventh Legislature, approved April 18, 1901, entitled 'An Act to create a more efficient road system for the counties in this State,' etc., amending the law so as to place Collin county within the provisions of said act, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

#### SENATE BILL NO. 27.

On motion of Senator Paulus, the special order of business (Senate bill No. 158) was suspended, and the Senate took up out of its order Senate bill No. 27.

The Chair laid before the Senate, on its second reading,

Senate bill No. 27, A bill to be entitled "An Act to prescribe a punishment for sheriffs who shall appoint more deputies than are provided for by law,"

With the following committee amendments:

"Provided further, that this act shall not apply to counties having more than one district court."

Senator Paulus moved to adopt the committee amendments.

The motion prevailed.

Senator Paulus offered the following amendment:

"The fact that there is now no adequate law on this subject, and the further fact that the calendar is now crowded, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 22.

On motion of Senator Davidson of DeWitt, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 22.

The Chair laid before the Senate, on its second reading,

Senate bill No. 22, A bill to be entitled "An Act to organize a Board of Pardon

Advisers, and more fully define its power and duties."

Senator Savage offered the following amendment:

"Add after the word 'November,' line 1, page 2, the words 'and December.'"

The amendment was adopted.

The bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 223—PASSAGE OF.

On motion of Senator Brachfield, the special order of business (Senate bill No. 158) was suspended, and the Senate took up, out of its order, Senate bill No. 223.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

#### Yeas—26.

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	Wilson.

#### Absent.

Beaty.	Morris.
Faubion.	Stafford.
Hale.	

The Chair then laid before the Senate, on its third reading and final passage, Senate bill No. 223 (see caption above).

The bill was read third time, and passed by the following vote:

#### Yeas—26.

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	Wilson.

#### Absent.

Beaty.	Morris.
Faubion.	Stafford.
Hale.	

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

#### REPORT OF FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 8.

Committee Room,  
Austin, Texas, March 4, 1903.

*Hon. Geo. D. Neal, President of the Senate, and Hon. Pat M. Neff, Speaker of the House of Representatives.*

SIRS: Your Free Conference Committee, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, and entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith, Delta,' so as to place McLennan and Limestone counties under the provisions of said chapter, and to declare an emergency,"

Have had the same under consideration, and report it back with the recommendation that it *do* pass with the following amendments:

The Free Conference Committee agrees to the following House amendments:

"Amend the bill by striking out in line 30, page 1, and line 10, page 2, the word 'Coryell.'

"Amend the bill by adding to Section 1 the following counties: 'Bastrop, Bee, Camp, Caldwell, Colorado, Calhoun, Cass, Comanche, Erath, Hill, Harrison, Hopkins, Jackson, Bosque, Kaufman, Montgomery, Morris, Upshur, Parker, Rusk, Red River, Titus, Trinity, Victoria, Van Zandt, Wise, Walker, Wood.'

"Amend the bill by adding after the word 'Rains,' in line 31, page 1, and after the word 'Rains,' in line 10, page 2, the following words: 'Wilson, Comal and Wise.'

"Amend the bill on page 2, Section 2, line 22, by striking out the words 'McLennan county' and inserting therefor the words 'said counties.'

"Amend by adding Nueces, Bexar, Wilson and Coryell and Bastrop counties.

"Amend by adding 'Eastland' after 'Rains,' in line 31, page 1, and 'Eastland' after the word 'Limestone,' in line 11, page 2.

"Amend by adding 'Cherokee' county.

"Amend the bill by adding Section 2:

"Section 2. Upon the written petition of two hundred freeholders of any of the above named counties, or upon the written petition of fifty freeholders of any subdivision of the above named counties, if the law be in force in that subdivision only, the commissioners court shall be authorized and required to order an election on the date therein named to determine whether or not said law be repealed; provided, that such petition be not filed within less than two years from the date this law goes into effect; and provided further, that such petition be signed by at least twenty-four freeholders from each justice precinct in such county. But if this law becomes operative over any of the above named counties as prescribed, it can in no case be repealed by any subdivision except by two-thirds majority of the votes cast by the freeholders of such county at an election held in accordance with the provisions of this act."

"Amend lines 2, 3 and 4, page 2, so that they shall read as follows: 'Section 1. That Section 1, of Chapter 128, of the General Laws of Texas, passed at the Regular Session of the Twenty-sixth Legislature, be amended so as to hereafter read as follows.'

"Amend the caption by inserting the word 'and' between 'Austin' and 'Brazos,' in line 28; further by striking out all after the word 'Brazos' and inserting the quotation marks and the words 'by placing the following named counties (insert names of counties to correspond with bill as amended) under the provisions of said chapter, and to declare an emergency.'

"Amend by striking out 'Camp, Cherokee and Upshur' counties.

"Amend by striking out 'Titus, Morris and Caldwell.'

"Amend by adding 'Travis' county.

"Amend by striking out the word 'Bastrop' wherever it occurs in the bill."

The Free Conference Committee recommends that the House recede from the following amendment:

"Amend the bill by striking out the word 'subdivision' in lines 12, 14, 16, 17, 18, and inserting in lieu thereof the words 'one or more justice precincts,' and insert in lieu thereof the following: 'Such subdivision of a county as may be described in the petition and defined by the commissioners court.'"

And that the Senate concur in all other House amendments.

MILLS,  
WILLACY,  
HARPER,  
McKAMY,

On part of the Senate.

MORAN,  
WORSHAM,  
STEWART,  
NAPIER,  
HODGES,

On part of the House.

Senator Mills moved that the foregoing Free Conference Committee report be adopted.

The motion prevailed.

#### ADJOURNMENT.

On motion of Senator Lipscomb, the Senate, at 5:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### THIRTY-THIRD DAY.

Senate Chamber,  
Austin, Texas, Friday, March 6, 1903.

Senate met pursuant to adjournment.  
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Hale.

Stafford.

#### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLamar.  
R. M. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
Miss Lucy Lane.  
C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.